

Testimony on S.B. 24
Wendy Lecker
February 22, 2012¹

Chairpersons Stillman and Fleischmann and Members of the Education Committee:

Thank you for the opportunity to submit this testimony. I am a parent of three children in Stamford's public schools. As I indicated in my testimony for February 21, the bill is massive and there is an enormous amount of research on all these topics which has not been explored. Wise governance and public policy would be to sort these things out and give each topic the careful thought it deserves. I would recommend this path of due diligence to you. These are enormous policy changes that, if passed, will affect our children, schools and communities for years. While they may benefit a small sector of public school students, it is far from clear that they will help the majority of our schools and children. Therefore, I urge you to carefully examine the proposals and the evidence, or lack thereof, supporting them. Given the scope of the proposals and the limited time available I will only highlight three examples.

I. The Conditional District Provision are Discriminatory

Conditional Districts

The conditional districts are defined as the lowest thirty districts in performance on mastery tests. They are also those districts that serve predominately children of color, English Language Learners and children living in poverty. The mandates of the conditional districts subject these districts to monetary sanctions not imposed on districts serving predominately white and more affluent students. Therefore, the proposed legislation is discriminatory.

School finance experts agree that school districts serving needy children require more resources. For example, cost studies across this nation have concluded that it can cost up to twice as much to educate a child living in poverty as a child with no additional needs. Similarly it can cost up to twice as much to educate an English Language Learner. For students with disabilities, it can cost up to four times as much. Moreover, where the concentration of poverty is higher, schools need more resources. Across the United States, the additional resources for these populations have been deemed necessary in order to ensure that these children receive the adequate education to which they are constitutionally entitled. As the judge in a landmark school funding case in Kansas noted, "If a child lives a great way from school, the transportation cost for that child will be greater than for another child nearer to school -- just to provide him or her the same educational opportunity. Similarly, if a child cannot speak English, it may cost more to teach that child English as a second language before the child can learn math and other subjects. **Again, a disproportionate expenditure may be required to afford this child an equal educational opportunity.**" (emphasis added) *Montoy v. State*, Case No. 99-C-1738, December 2, 2003 (Bullock, J) <http://www.schoolfunding.info/states/ks/Montoy12-3-03.PDF> .

These are resources that children in these districts deserve as of right. However, the proposed legislation before you makes extra resources available only if the districts serving these children comply with certain mandates.

¹ This testimony only covers topics at issue in the hearing for February 22

Several of these mandates should be the responsibility of the state to fund. For example, under this legislation, impoverished districts will now be required to provide children with wraparound services. Wraparound services are a fabulous idea. Decades of studies have shown conclusively that the most consistent correlation is between poverty and test scores.

<http://sanford.duke.edu/research/papers/SAN11-01.pdf>; http://www.keepeek.com/Digital-Asset-Management/oecd/education/equity-and-quality-in-education/investing-in-equity-in-education-pays-off_9789264130852-3-en; <http://www.educationanddemocracy.org/Resources/Berliner.pdf> .

Thus, reducing the effects of poverty by, for example providing health care, nutrition, clothing, adequate housing, and other social services are essential to help raise academic achievement. If there is recognition by the State that these services are key components of an adequate education, then it is the State's responsibility to provide these services. Requiring financially distressed schools to find the money to fund these extra-educational services is unconscionable. Similarly, extended learning time, professional development and parental engagement all require additional funds. If the State determines, as it appears it has, that these are basic building blocks of education, then it is the State's constitutional responsibility to fund them.

Furthermore, there are requirements in this legislation that it appears should apply to all districts, but instead are only applying to these districts that serve a predominately minority population. For example, if the state is to adopt the teacher evaluation system in this legislation (to which I have objected in my testimony for February 21), then this evaluation system applies to all teachers in all districts. Why, then, are only these "conditional districts" subjected to withholding of funds if the evaluation system is not adopted and if teacher training is not provided? Moreover, why is the cost of teacher training for this evaluation system being shifted to these distressed districts?

Since the State has failed to conduct an educational cost study, and has failed to adopt the cost study conducted for the CCJEF plaintiffs, there is no way to know what amount each of these districts requires to adequately educate all of their students. Therefore, there is no way to know at this point, whether or not this conditional funding is "extra" or is part of the basic funding these districts need. To impose obligations on these districts in order to obtain education funding to which in all likelihood these districts would be entitled to as of right violates the constitutional right of every student in those districts to an adequate education. To impose obligations on these districts that are not imposed on districts serving primarily white and affluent children is discriminatory.²

² One cannot ignore the additional burden placed on these districts by the Governor by his conduct in the CCJEF v. Reli case. Every district in which a named plaintiff schoolchild in CCJEF v Reli resides would become a conditional district under this proposed legislation. In the past few weeks, the Governor has subpoenaed an excessive amount of documents from these districts, many of which are likely already in the possession of the State. Moreover, the Governor issued these subpoenas knowing full well that these districts are in the middle of budget season and would have to divert scanty resources to analyzing and complying with these subpoenas. Thus, in addition to attempting to deprive these districts of precious educational resources through the conditional district and charter funding provisions, to be discussed below, the Governor is further imperiling school resources with these subpoenas. This appears to be a concerted effort to punish districts serving children of color and needy children when these children need more educational resources, not fewer.

Moreover, the “catchall” provision empowering the Commissioner to attach any additional obligations as he sees fit is inappropriate and overreaching. . There is no requirement imposed on the Commissioner to establish that any condition he attaches is grounded in solid evidence that it would help children in a particular district. A favored “reform” in some circles is privatization of struggling public schools. However, the evidence is quite clear that charter schools do no better than traditional public schools at educating children http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf and that charter schools increase segregation <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/frankenberg-choices-without-equity-2010.pdf>. It is clear that this Commissioner has close ties to charter school management companies. I have no confidence that a new condition imposed on our public school districts would not be to privatize schools he labels in need of further conditions, thereby eroding our local public institution.

I am also concerned as to the basis for determining that these particular districts are subject to the sanctions enumerated in the proposed bill. What is the research supporting the need to isolate these districts? Moreover, where is the cost analysis that will inform districts how much they will have to pay for these mandates?

II. REQUIRING DISTRICTS TO PAY FOR CHARTER SCHOOL STUDENTS UNDERMINES EQUITY AND ADEQUACY

Requiring districts to pay \$1,000 for each student attending charter schools subverts the goals of the ECS formula, which are to enable districts to fund their schools. This provision is simply a way to sneak in “money follows the child,” a funding scheme that has been rejected by the State Board of Education and this legislature numerous times.

Money follows the child rejected numerous times

Two years ago year and last year, “money follows the child” was proposed and rejected numerous times. It was first put to the State Board of Education. Prior to a meeting regarding this proposal, the State Department of Education conducted an analysis of the proposal. (A copy each of SDE’s presentation and supporting documents are attached). The State Department of Education found that were this money follows the child proposal been accepted, it would have had a devastating effect on most school districts. Stamford would have been among the hardest hit. Had “money follows the child” been enacted, Stamford, a district of approximately 15,000 students, would have immediately lost 51% of its ECS funding just to pay for a little over 200 students that attend charter schools. Just a small increase in charter schools students would have stripped Stamford of all of its ECS funding and millions more.

The State Board of Education, after learning the facts, rejected “money follows the child.” Nonetheless, this proposal found its way to the Education Committee of the Legislature, in the form of Raised Bill 5493. The Education Committee rejected this bill as well.

“Money follows the child” was raised again last year, in a proposal by an Ad Hoc Committee of the State Board of Education. After hearing public testimony against this proposal, including testimony from five representatives from Stamford, the president of New Britain’s Board of Education, the Connecticut Conference of Municipalities, the Connecticut Coalition for Justice in Education Funding and CEA, the State Board of Education tabled the proposals from the Ad Hoc Committee.

Despite this rejection, the identical proposal found its way to the Appropriations Committee last year. Numerous parties opposed the bill, including OPM Secretary Benjamin Barnes. Secretary Barnes noted that only one entity had input into the bill, ConnCAN, and that money follow the child would create “138 losers and 50 winners” - far from an equitable outcome. Again, “money follows the child” was rejected. Yet here it is again, in only a slightly altered form. The amount called for in this current legislation will have devastating effects on some districts. Moreover, while currently, the thousand dollars per student may not bankrupt other districts, it would be foolish not to notice that this provision is a “foot in the door” for charters and before long, this seemingly small amount will grow to devour a district’s entire ECS allocation.

Moreover, this scheme undermines the purpose of ECS. ECS was designed to equalize funding of a district’s schools based on that district’s ability to pay. This scheme drains a district’s school funding, regardless of need or wealth, and sends it to a different district.

III. FOLDING CHARTER SCHOOL FUNDING INTO ECS UNDERMINES EQUITY, ADEQUACY AND TRANSPARENCY

Folding charter school funding into the ECS formula is an attempt to avoid transparent and comprehensive school funding reform in order to benefit only a small percentage of students in this state.

Charter Schools should not be part of the same funding system as traditional public schools

Charter schools should be funded, but not as part of the same funding system as our traditional school districts, because they are not on par with our districts:

- they can be and all are privately run;

- they do not need to accept all students and indeed most often enroll far fewer needy children, especially ELL students and students with disabilities than the districts in which they are situated (some enroll no ELL children or children with disabilities at all). Many also enroll a much lower percent of children living in poverty than do the districts in which they are situated;

- they do not need to reflect the demographics of their districts, and often do not (in fact many increase segregation);

- they do not need to serve the same PK-12 grade levels as regular public school districts do—and none do;

- they spend on average, more per pupil than traditional public schools, according to SDE data.. (See page 8 of SDE Charter School Documents, attached) In Stamford, the two charter schools each spend about \$8,000 more per child than Stamford’s public schools spend per child. (See page 8 of SDE Charter School Documents, attached);

- they receive private funds that they do not have to report the state.

In this case, the remarks of Professor Gary Miron are instructive. Professor Miron is a charter school expert at Western Michigan University, and has been hired by both Conncan and SDE. He notes that:

“As long as traditional public schools are delivering more programs, serving wider ranges of grades, and enrolling a higher proportion of students with special needs, they will require relatively higher levels of financial support. Under these circumstances, differences or inequality in funding can be seen as reasonable and fair.”

An end run around the public

I, and other residents of Stamford, have been demanding comprehensive, transparent and meaningful school funding reform for years. For the past seven years, I have asked the State to either adopt the CCJEF cost study or to commission its own, using a reputable firm that employs accepted methodology, and including major stakeholders representing ALL public school children, districts, and communities, including the CCJEF plaintiffs. Real school funding reform cannot be accomplished without a clear and honest discussion of the cost of education in Connecticut today.

However, instead, this legislation attempts monumental changes to the ECS formula without any input from the public nor any public analysis of the cost of education.

Genuine School Funding Reform Across the U.S.

I am a former staff attorney with the Campaign for Fiscal Equity, which brought a successful school funding lawsuit against New York State, and have researched state school funding formulas as a consultant for the Rural Schools and Community Trust. Through my work, I am familiar with funding formulas and school funding reform efforts across the nation.

Whether states engage in funding reform as a result of a court order or whether done independently by the legislature, they start with an analysis of the cost of education performed by a nationally recognized expert.

In **Maryland**, school funding reform started with the experts. The bi-partisan Thornton Commission studied Maryland's funding formula, compared it with funding formulas nationwide and held public hearings. It then commissioned a cost study by a nationally recognized firm and also accepted the results of another cost study commissioned by an advocacy group. Relying on these cost studies, the Commission issued recommendations for a reformed school funding system, truncating a lawsuit challenging the constitutionality of its school funding system.

In **Pennsylvania**, the legislature commissioned a nationally known firm to conduct a cost study connecting resources needed with the state's learning standards; and relying on the cost study, it refashioned its funding formula.

In **Wyoming**, the state hired consultants to gather information from educators across the state to identify the basic building blocks of an adequate education and, then to cost out those components. **New York, Massachusetts, Kansas, New Mexico**, the list goes on and on.

These and many other states reformed their school funding systems using design principles developed with the guidance of experts who researched the cost of delivering quality education in their states.

They looked to educators to develop the components of an adequate education, then employed nationally recognized school finance experts to assess the cost of those components, adjusting the cost to account for student needs, community wealth and geographic variables that impact the cost of education.

The obvious lesson: when aiming to reform or design school funding formula, start with school funding experts.

By contrast, this legislation has seen no comprehensive cost study. There has been no public discussion or analysis of the proposed massive changes to ECS.

I know of no other formula that has ever folded its fixed-grant charter funding onto the state's needs-weighted primary aid formula and/or requires a specific dollar amount to be paid by the local district as tuition. Not only does this unfairly burden struggling school districts, but it also renders the formula even more convoluted and murky than it is already. A goal for school finance reform should be transparency, not confusion.

ECS Task Force

The changes proposed to ECS in this legislation completely undermine and/or ignore the work of the Governor's own ECS Task Force. Those of us in Stamford were promised a hearing of this Task Force sometime in March in our area. We have been waiting for our opportunity to present our views and needs to the Task Force, so that the Task Force can consider them prior to presenting funding formula recommendations. Enacting fundamental changes to the manner in which our schools are funded, changes which drastically compromise our ability to deliver educational services, renders that future hearing and in fact the entire task force useless.

We can achieve school finance reform

I recognize that there has been quite a bit of rhetoric exclaiming that anyone who opposes passing this legislation now is a "defender of the status quo." For those of us in Stamford, nothing could be further from the truth. We have been fighting for years to enact comprehensive school funding reform. However, we seek funding reform that will benefit all children and that is based on sound school finance theory and evidence. In fact, we are dismayed that the same tired schemes are pushed over and over again. Instead of this "status quo" of false school funding reform, why not finally, as a state, have an honest conversation about the cost of education?

As has been done in so many other states, let us first come to a consensus about what the basic building blocks are to an adequate education. There is remarkable agreement across this nation about what that entails (e.g. high quality preschool, an adequate number of qualified teachers, adequate facilities, small class size in the early grades, extra help for at-risk children, etc). I predict a similar high degree of consensus in our state about what constitutes the basic "basket of goods" needed to provide our children with an adequate education. Then, we must cost out that "basket of goods." Of course, this has already been done by the CCJEF plaintiffs in 2005. If the legislature and Governor were interested in lasting education finance reform, they would join the CCJEF plaintiffs and commission a reputable firm to update that study, using accepted methodology. Once we, as a state understand the true cost of educating our children, we can then find ways to adequately and equitably fund our public schools. This

approach will not only enable us to find a permanent solution to our broken ECS formula, but it will include all communities and community members.

“What the best and wisest parent wants for his own child, that must the community want for all its children” John Dewey

I do not take issue with a parent who wants to find the best environment for his or her child. That is a parent’s role. However, catering to the few, at the expense of the many, is not the proper role for the legislature. Charter schools educate only 8% of the public school children in Connecticut. As a state, we must seek solutions for our schools that work for all children, and solutions that advance the ideals of our democracy.

It is far from clear that charter schools are that solution, or even a model for a solution. Charters in Connecticut increase school segregation. In a state with an ignoble history of segregation, we should be seeking ways to reduce school segregation. It is truly unclear just how well charters fare. Eighteen percent of our state’s traditional public schools are on the list for school governance councils, while over 35% of charters are on that list. Charters in Connecticut have a history of failing to serve the neediest children, English Language learners and students with disabilities. There are disturbing reports of high attrition rates in charters (a reported 51% attrition rate between 9-12 grade at Amistad). Are these the reasons some charters report high scores? These are questions necessary to investigate. Is it small classes and wraparound services? If so, these are methods for which traditional public schools have been begging for years and have received no funding to implement or expand .

Studies of charters nationally reveal a trend consistent to Connecticut’s charters: they increase segregation (<http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/frankenberg-choices-without-equity-2010.pdf>); they fare no better than traditional public schools at educating children http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf ; and they are no more innovative than any public school. <http://www.edweek.org/ew/articles/2009/10/07/06miron.h29.html?r=317752603> . The NAACP’s resolution on charter schools reviews many of the problems with relying on charter schools to improve public education. http://naacp.3cdn.net/ec6459eda5247ea257_d1m6bxsf6.pdf .

In fact, international studies reveal the same concerns about using school choice to improve public education. The OECD, which administers the PISA tests, noted in its 2012 report on improving struggling schools: “Expanding school choice opportunities, it is said, would allow all students – including disadvantaged ones and the ones attending low performing schools- to opt for higher quality schools , as the introduction of choice in education can foster efficiency, spur innovation and raise quality overall. However, evidence does not support these perceptions, as choice and associated market mechanisms can enhance segregation.” http://www.keepeek.com/Digital-Asset-Management/oecd/education/equity-and-quality-in-education/tackling-system-level-policies-that-hinder-equity-in-education_9789264130852-4-en

If charters are being pushed as an education “reform” priority, I respectfully submit that the legislature must do its due diligence and investigate the reasons for any successes. . There are too many questions to investigate before pushing this “model” as a solution for public education, and forcing school districts to fund this experiment, at the expense of the majority of the children in their districts.

The Importance of Public School Systems

In contrast with many charter schools, our public schools must and do accept every child. Moreover our school districts provide a public arena for parents and other community members to come and hold our community accountable for educating every child. Parents and community members know they can come to school board meetings and hearings to support or criticize a policy in our schools, or to inform officials of a practice or problem in their schools. Our public school districts serve a vital democratic as well as educational function. Parents and other community members not only participate publicly in educational matters, but often see this participation as the way to connect with their cities. Breaking our schools up into autonomous, privately run schools that can exclude or dismiss students as they see fit not only jeopardizes our ability to guarantee an equal education to all children, it also weakens this democratic function of our school systems. In fact, in discussing choice programs, the OECD recommends that if school choice programs are used, that they have less autonomy, rather than more, so that one can ensure that equity is preserved and segregation is avoided.

http://www.keepeek.com/Digital-Asset-Management/oecd/education/equity-and-quality-in-education/tackling-system-level-policies-that-hinder-equity-in-education_9789264130852-4-en

As a parent, I try to spend my volunteer hours tutoring in our middle school AVID program and working in our high school's career center, helping students find scholarship and college opportunities. I also spend many hours attending school board meetings to ensure all children are being afforded the same opportunities. Indeed, I have been a very vocal proponent of our detracking initiative in our middle schools and remain vigilant that this move toward equity stays on track. I also spend hours poring over our local school budget, to ensure that the limited resources we have are put to good use. I am dismayed that I find myself, for the past few Februaries, having to spend so many hours away from these vital projects in order to gather research to fight legislative proposals that weaken our school systems. I would prefer to view our legislature as a partner in guaranteeing an equal education for all children. Instead, I find myself recycling the same research to fight the same damaging proposals that seem to pop up year after year. And still, neither comprehensive school funding reform is attempted, nor any moves toward decreasing segregation in our schools. I am willing to participate in any true funding reform effort and any other effort to bring a quality education, with a rich and diverse curriculum, to all students. Those volunteer hours will be time well-spent.

I cannot begin to decipher and analyze this entire bill. I fervently hope that you do so. In addition, I respectfully request that you reject any provision that incorporates any form of "money follows the child," any provision that requires public school districts to pay for charter school students and any provision that imposes different obligations and sanctions on districts based on the demographic makeup of their students. I also request that you reject this backroom attempt to institute sweeping school finance reform without careful analysis and input from the public.

Thank you.

Respectfully submitted,

Wendy Lecker
98 Larkspur Road
Stamford, CT 06903